



United States Department of Justice

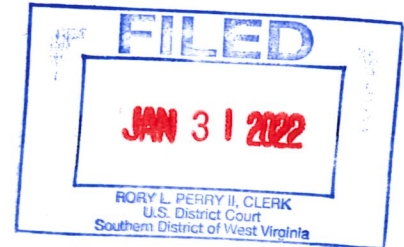
*United States Attorney
Southern District of West Virginia*

*Robert C. Byrd United States Courthouse
300 Virginia Street, East
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Charleston, WV 25301
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December 30, 2021

Derrick Lefler, Esq.
1607 Honaker Avenue
Princeton, WV 24740



Re: United States v. Timothy Edwards
Criminal No. 1:21-cr-00186 (USDC SDWV)

Dear Mr. Lefler:

This will confirm our conversations with regard to your client, Timothy Edwards (hereinafter "Mr. Edwards"). As a result of these conversations, it is agreed by and between the United States and Mr. Edwards as follows:

1. **PENDING CHARGES.** Mr. Edwards is charged in a single-count indictment with a violation of 18 U.S.C. §§ 2251(a) and (e) (sexual exploitation of a minor).

2. **RESOLUTION OF CHARGES.** Mr. Edwards will plead guilty to the single-count indictment, which charges him with a violation of 18 U.S.C. §§ 2251(a) and (e) and § 2 (sexual exploitation of a minor). Upon final disposition, the United States will move to dismiss the forfeiture provision of the indictment as to Mr. Edwards.

3. **MAXIMUM POTENTIAL PENALTY.** The maximum penalty to which Mr. Edwards will be exposed by virtue of this guilty plea is as follows:

- (a) Imprisonment for a period of at least 15 and up to 30 years;

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- (b) A fine of \$250,000, or twice the gross pecuniary gain or twice the gross pecuniary loss resulting from defendant's conduct, whichever is greater;
- (c) A term of supervised release of 5 years to life;
- (d) A mandatory special assessment of \$100 pursuant to 18 U.S.C. § 3013 and \$5,000 pursuant to 18 U.S.C. § 3014; and
- (e) An order of restitution pursuant to 18 U.S.C. §§ 2259, 3663A, and 3664, or as otherwise set forth in this plea agreement.

4. **SPECIAL ASSESSMENT.** Mr. Edwards has submitted certified financial statements to the United States reflecting that he is without sufficient funds to pay the special assessment due upon conviction in this case. Mr. Edwards agrees that, if incarcerated, he will join the Inmate Financial Responsibility Program, earnings from which will be applied toward payment of the special assessment.

5. **RESTITUTION.** Mr. Edwards understands that, pursuant to 18 U.S.C. § 2259, the Court shall order restitution to the victim in this case for full amount of the victim's losses, if any. Mr. Edwards further agrees to pay such restitution, with interest as allowed by law, to the fullest extent financially feasible. In aid of restitution, Mr. Edwards further agrees as follows:

- (a) Mr. Edwards agrees to fully assist the United States in identifying and locating any assets to be applied toward restitution and to give signed, sworn statements and testimony concerning assets upon request of the United States.
- (b) Mr. Edwards will fully complete and execute, under oath, a Financial Statement and a Release of Financial Information on forms supplied by the United States and

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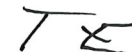
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will return these completed forms to counsel for the United States within seven calendar days from the date of the signing of this plea agreement.

- (c) Mr. Edwards agrees not to dispose of, transfer or otherwise encumber any real or personal property which he currently owns or in which he holds an interest.
- (d) Mr. Edwards agrees to fully cooperate with the United States in the liquidation of assets to be applied towards restitution, to execute any and all documents necessary to transfer title of any assets available to satisfy restitution, to release any and all right, title and interest he may have in and to such property, and waives his right to exemptions under the Federal Debt Collection Procedures Act upon levy against and the sale of any such property.
- (e) Mr. Edwards agrees not to appeal any order of the District Court imposing restitution unless the amount of restitution imposed exceeds \$10,000 per victim. However, nothing in this provision is intended to preclude the Court from ordering Mr. Edwards to pay a greater or lesser sum of restitution in accordance with law.

6. **PAYMENT OF MONETARY PENALTIES.** Mr. Edwards authorizes the Financial Litigation Program in the United States Attorney's Office to obtain a credit report from any major credit reporting agency prior to sentencing in order to assess his financial condition for sentencing purposes. Mr. Edwards agrees not to object to the District Court ordering all monetary penalties (including the special assessment, fine, court costs, and any restitution) to be due and payable in full immediately and subject to immediate enforcement by the United States. So long as the monetary penalties are ordered to be due and payable in full immediately, Mr. Edwards further agrees not to object to the



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District Court imposing any schedule of payments as merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment.

Mr. Edwards authorizes the United States, through the Financial Litigation Program, to submit any unpaid criminal monetary penalty to the United States Treasury for offset in accordance with the Treasury Offset Program, regardless of the defendant's payment status or history at that time.

In addition to any payment ordered by the Court, Mr. Edwards shall pay all monies received from any source other than earned income, including but not limited to, lottery winnings, gambling proceeds, judgments, inheritances, and tax refunds, toward the court ordered restitution or fine.

Mr. Edwards agrees that if he retains counsel or has appointed counsel in response to the United States' efforts to collect any monetary penalty, he shall immediately notify the United States Attorney's Office, Attention: Financial Litigation Program, P.O. Box 1713, Charleston, West Virginia 25326-1713, in writing and shall instruct his attorney to notify FLP immediately of his representation.

7. **COOPERATION.** Mr. Edwards will be forthright and truthful with this office and other law enforcement agencies with regard to all inquiries made pursuant to this agreement, and will give signed, sworn statements and grand jury and trial testimony upon request of the United States. In complying with this provision, Mr. Edwards may have counsel present except when appearing before a grand jury.

8. **USE IMMUNITY.** Unless this agreement becomes void due to a violation of any of its terms by Mr. Edwards, and except as expressly provided for in paragraph 10 below, nothing contained in any statement or testimony provided by him pursuant to this agreement, or any evidence developed therefrom, will be used


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against him, directly or indirectly, in any further criminal prosecutions or in determining the applicable guideline range under the Federal Sentencing Guidelines.

9. **LIMITATIONS ON IMMUNITY.** Nothing contained in this agreement restricts the use of information obtained by the United States from an independent, legitimate source, separate and apart from any information and testimony provided pursuant to this agreement, in determining the applicable guideline range or in prosecuting Mr. Edwards for any violations of federal or state laws. The United States reserves the right to prosecute Mr. Edwards for perjury or false statement if such a situation should occur pursuant to this agreement.

10. **STIPULATION OF FACTS AND WAIVER OF FED. R. EVID. 410.** The United States and Mr. Edwards stipulate and agree that the facts comprising the offense of conviction include the facts outlined in the "Stipulation of Facts," a copy of which is attached hereto as "Plea Agreement Exhibit A."

Mr. Edwards agrees that if he withdraws from this agreement, or this agreement is voided as a result of a breach of its terms by him, and he is subsequently tried for his conduct alleged in the indictment and other relevant conduct, as more specifically described in the Stipulation of Facts, the United States may use and introduce the Stipulation of Facts in the United States case-in-chief, in cross-examination of Mr. Edwards or of any of his witnesses, or in rebuttal of any testimony introduced by him or on his behalf. Mr. Edwards knowingly and voluntarily waives, see United States v. Mezzanatto, 513 U.S. 196 (1995), any right he has pursuant to Fed. R. Evid. 410 that would prohibit such use of the Stipulation of Facts. If the Court does not accept the plea agreement through no fault of the defendant, or the Court declares the agreement void due to a breach of its terms by the United States, the Stipulation of Facts cannot be used by the United States.

The United States and Mr. Edwards understand and acknowledge


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that the Court is not bound by the Stipulation of Facts and that if some or all of the Stipulation of Facts is not accepted by the Court, the parties will not have the right to withdraw from the plea agreement.

11. **WAIVER OF APPEAL AND COLLATERAL ATTACK.** Mr. Edwards knowingly and voluntarily waives his right to seek appellate review of his conviction and of any sentence of imprisonment, fine, or term of supervised release imposed by the District Court, or the manner in which the sentence was determined, on any ground whatsoever including any ground set forth in 18 U.S.C. § 3742(a), except that the defendant may appeal any sentence that exceeds the maximum penalty prescribed by statute. Mr. Edwards also knowingly and voluntarily waives any right to seek appellate review of any claim or argument that (1) the statutes of conviction (18 U.S.C. §§ 2251(a) and (e)) are unconstitutional, and (2) Mr. Edwards's conduct set forth in the Stipulation of Facts (Plea Agreement Exhibit A) does not fall within the scope of 18 U.S.C. §§ 2251(a) and (e).

The United States also agrees to waive its right to appeal any sentence of imprisonment, fine, or term of supervised release imposed by the District Court, or the manner in which the sentence was determined, on any ground whatsoever, including any ground set forth in 18 U.S.C. § 3742(b), except that the United States may appeal any sentence that is below the minimum penalty, if any, prescribed by statute.

Mr. Edwards also knowingly and voluntarily waives the right to challenge his guilty plea and conviction resulting from this plea agreement, and any sentence imposed for the conviction, in any collateral attack, including but not limited to a motion brought under 28 U.S.C. § 2255.

The waivers noted above shall not apply to a post-conviction collateral attack or direct appeal based on a claim of ineffective assistance of counsel.


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12. **WAIVER OF FOIA AND PRIVACY RIGHT.** Mr. Edwards knowingly and voluntarily waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without any limitation any records that may be sought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a, following final disposition.

13. **SEX OFFENDER REGISTRATION REQUIREMENT.** Mr. Edwards understands and acknowledges that under the Federal Sex Offender Registration and Notification Act, he must register as a sex offender and keep the registration current in each of the following jurisdictions: where he resides, where he is an employee and where he is a student. Mr. Edwards understands that the federal registration requirement and any state registration requirement may apply throughout his life. Mr. Edwards further understands that the requirement to keep the registration current includes informing at least one of the aforementioned jurisdictions not later than three days after any change of name, residence, employment or student status. Mr. Edwards understands that failure to comply with these obligations subjects him to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

14. **FINAL DISPOSITION.** The matter of sentencing is within the sole discretion of the Court. The United States has made no representations or promises as to a specific sentence. The United States reserves the right to:

- (a) Inform the Probation Office and the Court of all relevant facts and conduct;
- (b) Present evidence and argument relevant to the factors enumerated in 18 U.S.C. § 3553(a);
- (c) Respond to questions raised by the Court;


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- (d) Correct inaccuracies or inadequacies in the presentence report;
- (e) Respond to statements made to the Court by or on behalf of Mr. Edwards;
- (f) Advise the Court concerning the nature and extent of Mr. Edwards's cooperation; and
- (g) Address the Court regarding the issue of Mr. Edwards's acceptance of responsibility.


15. **VOIDING OF AGREEMENT.** If either the United States or Mr. Edwards violates the terms of this agreement, the other party will have the right to void this agreement. If the Court refuses to accept this agreement, it shall be void.

16. **ENTIRETY OF AGREEMENT.** This written agreement constitutes the entire agreement between the United States and Mr. Edwards in this matter. There are no agreements, understandings or recommendations as to any other pending or future charges against Mr. Edwards in any Court other than the United States District Court for the Southern District of West Virginia.

Acknowledged and agreed to on behalf of the United States:

WILLIAM S. THOMPSON
United States Attorney

By:



Jennifer Rada Herrald
Assistant United States Attorney


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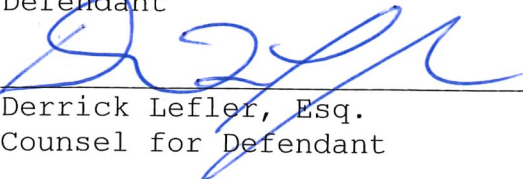
I hereby acknowledge by my initials at the bottom of each of the foregoing pages and by my signature on the last page of this 9-page agreement that I have read and carefully discussed every part of it with my attorney, that I understand the terms of this agreement, and that I voluntarily agree to those terms and conditions set forth in the agreement. I further acknowledge that my attorney has advised me of my rights, possible defenses, the Sentencing Guideline provisions, and the consequences of entering into this agreement, that no promises or inducements have been made to me other than those in this agreement, and that no one has threatened me or forced me in any way to enter into this agreement. Finally, I am satisfied with the representation of my attorney in this matter.



Timothy Edwards
Defendant

1-5-22

Date Signed



Derrick Lefler, Esq.
Counsel for Defendant

1-5-22

Date Signed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:21-cr-00186

TIMOTHY EDWARDS

STIPULATION OF FACTS

The United States and TIMOTHY EDWARDS (hereinafter "I" or "me") stipulate and agree that the facts comprising the offense of conviction in the Indictment include the following:

DEFENDANT'S FACTUAL BASIS FOR GUILTY PLEA

From in or about April 2020 through in or about February 2021, I engaged in sexual activity, including sexual intercourse, with a minor female. I knew her to be 12 years old at the time I began engaging in sexual activity with her.

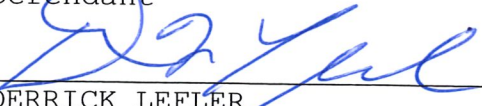
During this time frame, I produced numerous videos of myself engaged in sexual activity, including sexual intercourse, with the minor female. I also would send some of these videos to the minor female via Facebook Messenger, which utilizes the Internet and cellular networks. During this time frame I also directed the minor to produce certain types of sexually explicit videos to send to me. I also engaged in live video chats with her during which she would masturbate. All these events happened at or near Iaeger, McDowell County, West Virginia.

This Stipulation of Facts does not contain each and every fact known to me and to the United States concerning my involvement in the charge set forth in the Indictment.

Stipulated and agreed to:


TIMOTHY EDWARDS
Defendant

1-5-22
Date


DERRICK LEFLER
Counsel for Defendant

1-5-22
Date


JENNIFER RADA HERRALD
Assistant United States Attorney

1-24-22
Date